

Application No. 09/980582
Amendment dated 3 November 2005
Reply to Office Action of 4 August 2005

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REMARKS

The Applicant has amended the application by:

- adding an Abstract;
- amending claims 1-9 and 10-12; and
- cancelling claim 13.

These Amendments are submitted to be completely supported by the Application as originally filed and to add no new matter.

Claims 1-12 and 17-33 are pending as a result of this Amendment.

In the Specification

The Examiner has raised 37 CFR §1.72(b) in connection with the specification, because the application was filed without an Abstract. The application has been amended to provide an Abstract. The Applicant submits that the addition of an Abstract obviates the Examiner's objection to the specification.

Claims 1-3 and 12

The Examiner has raised US patent No. 6,055,314 (Spies et al.) in connection with claims 1-3 and 12. The Applicant submits that claims 1-3 and 12 (as amended) patentably distinguish Spies et al.

As understood by the Applicant, Spies et al. disclose a system for secure purchase and delivery of video content programs over various distribution media, including distribution networks and digital video discs. The system includes an integrated circuit (IC) card which is configured to store decryption capabilities for related video programs. The decryption capabilities are initially kept in a secure store at a video merchant. When a purchaser orders a particular video program, the decryption capabilities for that program are downloaded from the video merchant to the IC card, either at the video merchant's premises or over a distribution network. The video content program is then separately distributed in the form of encrypted video data packets from a content provider via the distribution media to the purchaser. The IC card uses the decryption capabilities to at least partially decrypt the video content program without exposing the decryption capabilities.

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Claim 1 recites "downloading a file, the file comprising an integral decryption engine and encrypted media content". Spies et al. do not disclose this claim 1 feature. Spies et al. describe downloading encrypted media content in the form of encrypted video data packets (see col. 8, ln. 58 to col. 11, ln. 25). In Figure 3 and the accompanying description (see col. 9, ln. 40 to col. 10, ln. 29), Spies et al. teach how the video content is encoded by a video encryption device (66) running on a video content provider's computing unit (34) to form encrypted video data packets (P_{i-1} , P_i , P_{i+1}). Spies et al. does not teach or suggest that an "integral decryption engine" is included as a part of the same file as the "encrypted media content".

Spies et al. specifically teach that decryption is performed in a two part process by a microcontroller (52) on IC card (50) and by a viewer computing unit (60) (see col. 10, ln. 35-55). To perform these decryption functions, microcontroller (52) of IC card (50) and viewer computing unit (60) must be executing some type of decryption software. Spies et al. do not disclose that the decryption software which enables microcontroller (52) of IC card (50) and/or viewer computing unit (60) to decrypt the video data packets (P_{i-1} , P_i , P_{i+1}) is downloaded as part of the same file as the encrypted video data packets (P_{i-1} , P_i , P_{i+1}).

For at least this reason, the Applicant submits that claim 1 patentably distinguishes Spies et al. Claims 2-3 and 12 depend from claim 1 and are therefore submitted to be allowable.

Claims 4-8, 10 and 11

The Examiner has raised Spies et al. in connection with claims 4-8, 10 and 11. The Applicant submits that claims 4-8, 10 and 11 (as amended) patentably distinguish Spies et al.

Claim 4 recites "downloading a single file, the single file comprising an integral decryption engine, encrypted media content and integral media playback software". As discussed above, Spies et al. fail to disclose downloading a single file that comprises both an "integral decryption engine" and "encrypted media content" as recited in claim 4. Consequently, claim 4 patentably distinguishes Spies et al.

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Claim 4 also recites that the single file further comprises "integral media playback software" and that the single file containing the integral decryption engine, the encrypted media content and the integral media playback software is "executable independently of other programs". Spies et al. also fail to disclose or suggest these other claim 4 features.

Based on this reasoning, the Applicant submits that claim 4 is allowable over Spies et al. Claims 5-8, 10 and 11 depend from claim 4 and are submitted to be allowable for at least this reason.

Claim 9

The Examiner has raised Spies et al. in combination with US patent No. 6,385,596 (Wiser et al.) in relation to claim 9. The Applicant submits that claim 9 (as amended) patentably distinguishes the combination of Spies et al. and Wiser et al.

On p. 6 of the Office Action, the Examiner correctly indicates that Spies et al. do not disclose a media file which will allow playback of a portion of its encrypted media content without using a decryption key. More particularly, Spies et al. do not teach or suggest the claim 9 feature of "generating an executable file comprising encrypted media content and integral media playback software, the file executable independently of other programs to play only a portion of the encrypted media content, without use of a decryption key".

The Applicant submits that Wiser et al. fail to remedy this deficiency. As understood by the Applicant, Wiser et al. disclose a computer implemented online music distribution system which provides for the secure delivery of audio data and related media, including text and images, over a public communications network. At col. 3, ln. 50-60 Wiser et al. disclose that "encrypted and unencrypted versions of a song are combined into a single media data file" and that the unencrypted versions of the song may be selected portions of the song which may be previewed by a consumer prior to purchase. However, Wiser et al. do not disclose or suggest that the single media data file is an "executable file ... executable independently of other programs" as recited in claim 9. In contrast, the file taught by Wiser et al. is a "media data file". Wiser et al. also fail to disclose or suggest that the file comprises "encrypted media content and integral media playback software" as recited in claim 9.

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Based on this reasoning, the Applicant submits that claim 9 patentably distinguishes the combination of Spies et al. and Wiser et al.

New claims 17-33

The Applicant has added new claims 17-27, which depend from claim 1, and new claims 28-33, which depend from claim 4. As discussed above, claims 1 and 4 are submitted to patentably distinguish the prior art of record. Accordingly, claims 17-33 are also submitted to be allowable over the prior art of record.

Conclusions

The Applicant submits that this application is now in condition for allowance and respectfully requests reconsideration and allowance of this application in light of the foregoing amendments and comments.

Respectfully submitted,
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